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10 **UNITED STATES BANKRUPTCY COURT**
DISTRICT OF NEVADA

11 In re:

12 USA COMMERCIAL MORTGAGE
 COMPANY,

13 USA CAPITAL REALTY ADVISORS,
 LLC,

14 USA CAPITAL DIVERSIFIED TRUST
 DEED FUND, LLC,

15 USA CAPITAL FIRST TRUST DEED
 FUND, LLC,

16 USA SECURITIES, LLC, Debtors.

17 **Affects:**

18 All Debtors
 USA Commercial Mortgage Company
 USA Capital Realty Advisors, LLC
 USA Capital Diversified Trust Deed Fund, LLC
 USA Capital First Trust Deed Fund, LLC
 USA Securities, LLC

Case No. BK-S-06-10725-LBR
 Case No. BK-S-06-10726-LBR
 Case No. BK-S-06-10727-LBR
 Case No. BK-S-06-10728-LBR
 Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
 BK-S-06-10725 LBR

**MOTION FOR ORDER REQUIRING
 KEN ROSE TO APPEAR FOR
 EXAMINATION PURSUANT TO
 FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 2004**

[No hearing required]

22 Pursuant to Federal Rule of Bankruptcy Procedure 2004, the USACM Liquidating
 23 Trust (the "Trust" or "Movant") hereby moves this Court for an order requiring Ken Rose
 24 ("Rose") to appear, as set forth in the subpoena to be issued under Federal Rule of
 25 Bankruptcy Procedure 9016, to appear for examination at the office of Merrill
 26

1 Corporation, British Pacific Center, 8899 University Center Lane, Suite 200, San Diego,
 2 California 92122, on a business day no earlier than ten (10) business days after the filing
 3 of this Motion and no later than April 10, 2008 (or at such other mutually agreeable
 4 location, date, and time) and continuing from day to day thereafter until completed.
 5

6 This Motion is further explained in the following Memorandum.

7 **Memorandum**

8 The Movant seeks information concerning various transactions and other dealings
 9 between USACM, the other debtors in the above-captioned cases (together with USACM,
 10 the “Debtors”), and the Debtors’ affiliates, subsidiaries, parents, or otherwise related
 11 entities. The Movant seeks this information to assist in the collection of the assets and the
 12 investigation of the liabilities of the Debtors.

13 The requested discovery from Rose is well within the scope of examination
 14 permitted under Bankruptcy Rule 2004, which includes:

15 [t]he acts, conduct, or property or . . . the liabilities and financial condition
 16 of the debtor, or . . . any matter which may affect the administration of the
 17 debtor’s estate, or to the debtor’s right to a discharge. In a . . .
 18 reorganization case under chapter 11 of the Code, . . . the examination may
 19 also relate to the operation of any business and the desirability of its
 20 continuance, the source of any money or property acquired or to be acquired
 21 by the debtor for purposes of consummating a plan and the consideration
 given or offered therefore, and any other matter relevant to the case or to the
 formulation of a plan.¹

22 **Conclusion**

23 Accordingly, the Movant requests that this Court enter the form of order submitted
 24 with this Motion.

25
 26

 ¹ FED.R. BANKR. P. 2004(b).

1 Dated: March 11, 2008.

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